UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,432	11/15/2000	Todd Killian	TI-26605	3221

		EXAMINER
23494	7590	12/03/2003	WASSUM, LUKE S

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ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-10 and 16-19*.

    Claim(s) withdrawn from consideration: _____.

8. ☒ The drawing correction filed on *19 September 2003* is a) ☐ approved or b) ☒ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *See Continuation Sheet*

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PRIMARY EXAMINER

Luke S. Wassum
Art Unit 2177

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicants argue that the cited prior art fails to teach the claimed elements of supplemental content being selected for display based on user profile data.

In response, the examiner points out that the Sezan et al. reference teaches the recording and presentation of information to a user base on their profile data, and in particular their prior viewing and listening habits, preferences, and personal characteristics. This is taught at col. 3, lines 20-24 and 54-60 et seq.

The Applicants also argue that the Banker et al. reference teaches a system wherein specific secondary content (a specific text data stream) is fixed at the transmitter and not selected according to user profiles.

In response, the examiner points out that the Sezan et al. reference is relied upon in the rejection of record to teach the selection of specific content based upon a user profile, as stated above. Furthermore, Banker et al. teaches at col. 3, line 53 through col. 4, line 15, that "the headend includes a video combiner that combines several video signals into a composite video signal." and that "The headend additionally includes a circuit that inserts text data streams into the composite video signal."
Banker et al. also teaches that the subscriber terminal extracts the selected video and text data streams from the composite television signal (col. 4, lines 4-15).

As stated in the rejection of record, it would have been obvious to one of ordinary skill in the art to combine the use of profile data for the selection of programming content to be displayed to a user (Sezan et al.) with the transmission of multiple supplemental data signals (Banker et al.) .

Continuation of 10. Other:

The drawing correction is disapproved, because of a typographical error. In Figures 1 and 2, element 48 is labeled "DISPLAY COMPENTS DATABASE"..